

REMARKS

In the Restriction Requirement mailed May 26, 2010, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-8, 14 and 16, drawn to a method of treating defective or degenerated cartilage.
- II. Claims 9-13, 15 and 17, drawn to a method for the production of a natural cartilage replacement material.

This application contains claims directed to more than one species of the generic invention. The following species elections are required:

- a) Applicant is required to elect a specific mixture of components that are present selected from groups A and B: The compound of this species is recited in claim 1.

Applicants elect, with traverse, Group II, claims 9-13, 15 and 17. Applicants respectfully cancel claims 1-8, 14 and 16 (Group I) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date. Applicants further elect species lubricin from Group A and hyaluronic acid from Group B. Claims falling within this genus and species election include claims 9-13, 16, and 18-23.

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/591,833

Filing Date: July 16, 2007

Title: USE OF A MIXTURE FOR THE PRODUCTION OF AN AGENT FOR TREATING DEFECTIVE OR DEGENERATED CARTILAGE IN THE PRODUCTION OF NATURAL CARTILAGE REPLACEMENT IN VITRO

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Dkt: 2579.022US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 15 June 2010

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15 day of June, 2010.

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